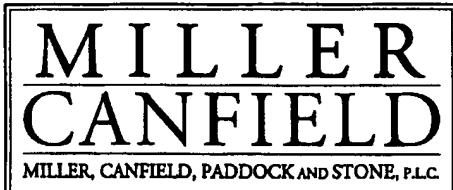


Founded in 1852
by Sidney Davis Miller

NOV 15 2004

JC13

ROBERT KELLEY ROTH
TEL: (313) 496-7568
FAX: (313) 496-8452
E-MAIL: roth@millercanfield.com



150 West Jefferson, Suite 2500
Detroit, Michigan 48226
TEL: (313) 963-6420
FAX: (313) 496-7500
www.millercanfield.com

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November 12, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Re: Serial No.: 10/730,798
Inventors: Cory A. Weiss
Our Reference No.: 109044-00006 (Effikal)
Title: Damper Control Device For Outside Applications**

Dear Sir:

Enclosed for filing please find:

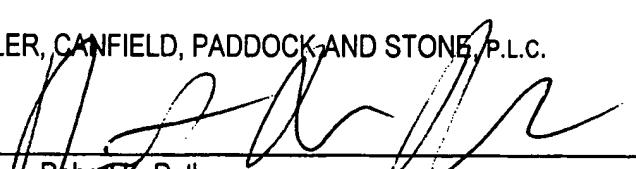
- 1) Response to Office Action;
- 2) Fee Transmittal Form and check in the amount of \$ 44.00; and
- 3) Certificate of Filing by Mailing.

We are also enclosing a post card receipt which we ask that you return to us acknowledging the date of receipt and the assigned serial number.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By:


Robert K. Roth
Reg. No. 36,660



PTO/SB/17 (10-04v2)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(*\$*) 44.00**

Complete if Known

Application Number	10/730,798
Filing Date	12/05/03
First Named Inventor	Cory A. Weiss
Examiner Name	Yeung, J.
Art Unit	3749
Attorney Docket No.	109044-00006

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number
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The Director is authorized to: (check all that apply)

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FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 880	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 860	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

SUBTOTAL (1) *(*\$*) 44.00*

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =	X	=
Independent Claims	4 - 3** =	1 X 44 =	44
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 68	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) *(*\$*) 44.00*

**or number previously paid, if greater; For Reissues, see above

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) *(*\$*)*

(Complete if applicable)

Name (Print/Type)	Robert Kelley Roth	Registration No. (Attorney/Agent)	36,660	Telephone	313-963-6420
Signature				Date	11-12-04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(109044.6)

Applicant: **Cory A. Weiss** Paper Number: **4**
U.S.S.N: **10/730,798** Art Unit: **3749**
Filing Date: **12/05/03** Examiner: **Yeung, J.**
Title: **DAMPER CONTROL DEVICE FOR OUTSIDE APPLICATIONS**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

The following is in response to the Office Action mailed on August 12, 2004 in the above captioned patent application. The appropriate fee under 37 CFR 1.16(b) is included with this Response.

In the Claims

Please Amend the Claims as follows:

11/16/2004 BSAYASI1 00000022 10730798

01 FC:2201

44.00 DP

1. (Amended) A damper control device comprising, in combination:
a fireplace and a flue, wherein products of combustion from the fireplace enter the flue;
a damper positioned in a damper pipe operatively connected to the flue, wherein the damper is movable between a closed position where the damper pipe is blocked and an open position;